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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,391	09/23/2003	Eugene Martinez SR.	RR-523	2483
20427	7590	05/25/2005	EXAMINER	
RODMAN RODMAN 7 SOUTH BROADWAY WHITE PLAINS, NY 10601			CHERRY, EUNCHA P	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/668,391

Applicant(s)

MARTINEZ, EUGENE

Examiner

EUNCHA P. CHERRY

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2005.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☒ Claim(s) 1-14 is/are allowed.
 6) ☒ Claim(s) 15, 17, 19, 21 and 22 is/are rejected.
 7) ☒ Claim(s) 16, 18, 20 and 23 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 9/23/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 15, 17, 19, 21 and 22 are rejected under 35

U.S.C. 102(b) as being anticipated by Martinez, Sr. (US Patent No. 5,841,595).

Martinez sr. discloses a support frame for a thin-film mirror comprising a) a molded, plastic one-piece support housing of predetermined shape (Fig. 1, 12) having a pan surface and a hollow wall of U-shaped cross-section surrounding the pan surface (see Fig. 2), b) the hollow wall having spaced inside and outside wall portions (see Fig. 2), and a film mounting surface portion for thin reflective film joining the spaced inside and outside wall portions, the film mounting surface portion being substantially parallel to the pan surface and being stepped away from the pan surface (see 24 in relative to 12). The support frame has a flange that is formed on the

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outside wall (42) and the hollow wall defines a well and a reinforcing member of a size and a shape corresponding the hollow (see Fig. 4). The hollow wall is in the shape of a four-sided polygon with two acute corner angles (see Fig. 4).

The method of eliminating wrinkling of thin reflective film including steps such as molding, forming securing are met by the disclosure of the prior art.

Allowable Subject Matter

3. Claims 1-14 are allowed.

4. Claims 16, 18, 20 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: claims are allowable at least for the reason that the prior art does not teach or reasonably suggest the fillet that having a fillet top surface formed as a co-planar continuation of the top mounting surface portion of the hollow wall or hollow wall has a trapezoidal periphery as set forth in the claimed combination.

Response to Arguments

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6. Applicant's arguments filed on 3/9/05 have been fully considered but they are not persuasive. Applicant argues that the claimed structure differs from the structure disclosed in Martinez, Sr. Examiner agrees the structures of the prior art and the present invention are different. However, applicant fails to claim the differences in the claim. Applicant's assertion, applicant's structure is easier to mold in one-piece, is subjective and the prior art would be easy to mold in one-piece as supported by the structure. Applicant's assertion, the opening of applicant's U-shaped wall is in a plane parallel to the pan surface whereas the opening of the U-shaped wall in Martinez, Sr. is in a plane perpendicular to the pan surface, is not persuasive. Applicant is reminded that the opening of the U-shaped wall is not claimed in the claim. Therefore, it appears that the rejection is deemed proper. Applicant also argues that the hollow U-shaped wall of the prior art does not have an open bottom portion proximate the pan surface. Applicant is reminded that applicant fails to define "open bottom portion" any different from the open bottom portion of the prior art. Also, it is not clear the relativity of the word "proximate". Therefore, it appears that the rejection is deemed proper.

Conclusion

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7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

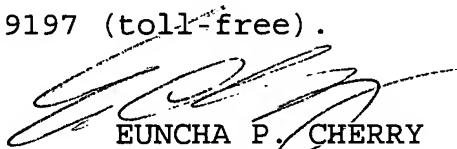
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EUNCHA P. CHERRY whose telephone number is 571-272-2310. The examiner can normally be reached on M-F 6:30-4:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DREW DUNN can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



EUNCHA P. CHERRY
Primary Examiner
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